

How Major Issues are Addressed in the December 2012 Boiler GACT Rule

<u>Industry Issue</u>	<u>Industry Recommendation</u>	<u>Outcome</u>	<u>Fed Register Reference / Citation</u>
Tune-up Initial Compliance Date	EPA should extend the initial compliance period for the tune-up requirement to three years from the initial compliance date, March 21, 2011. Also, EPA should harmonize compliance dates for all requirements.	Initial Compliance Schedule for Existing boilers subject to the tune-up requirement increased to three years (to March 21, 2014) instead of one year to demonstrate initial compliance. No initial tune-up for new boilers. Conduct tune-up firing the fuel that has provided the majority of the heat input over last 12 months. Submit initial notification by 1/20/2014.	78 FR 7489,7492; §§63.11196, 63.11223(a), 63.11225(a)(2)
Standards Based on GACT, not MACT, for Biomass- and Oil-Fired Boilers at Area Sources	EPA has correctly established standards based on GACT, not MACT.	Final standards based on GACT, not MACT, for Biomass- and Oil-Fired Boilers	78 FR 7488, 7489, 7493
Final PM Limits for New Oil-Fired Boilers	EPA's decision to set GACT emission limits instead of MACT is appropriate. These limits were correctly determined. EPA should include an alternate compliance approach of using low-sulfur fuel to be consistent with NSPS requirements for oil-fired units.	New or reconstructed oil-fired boilers combust that only oil that contains no more than 0.50 weight % sulfur or a mixture of 0.50 weight % sulfur oil with other fuels not subject to a PM emission limit under this subpart and do not use a post-combustion technology to reduce PM or sulfur dioxide emissions now satisfy GACT for PM.	78 FR 7499, 7500; §63.11210(e),

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Work Practice Standards	EPA has the authority to promulgate work practice standards in lieu of numerical emission limits. EPA should extend the work practice standards to include new biomass and oil-fired boilers with a heat input capacity of less than 30 MMBtu/hr.	Emission limits retained for units between 10 and 30 MMBtu/hr, except for change noted above.	78 FR 7492; §63.11211; Table 1 to Subpart 6J
10% Discount Factor	Oppose EPA's decision to retain the 10% discount imposed on sources that decide to average their emissions data to comply with standards.	No change.	
Seasonally operated boilers	The subcategory for seasonal boilers is appropriate but the definition should be adjusted to allow intermittent operational testing. A limited use subcategory should be added.	New subcategory for seasonal boilers and amendment to 40 CFR 63.11223 to specify that seasonal boilers would be required to complete the initial tune-up by March 21, 2014, and a subsequent tune-up every five years after the initial tune-up. Subcategory established for limited use boilers (10% capacity factor) requiring tune-up every 5 years.	78 FR 7492; 7499; §§63.11200(d),(g), 63.11223(d),(f)
Temporary Boilers	Support EPA's proposal to exclude temporary boilers from the industrial boiler area source category.	Electric, residential, temporary boilers have been added to the list of boilers that are not part of the source categories subject to subpart JJJJJJ. Haz waste boilers and boilers used as control devices are also no longer subject to subpart JJJJJJ.	§63.11195

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Monitoring CO Emissions with CO CEMS	Support EPA's decision to allow this flexibility in the CO monitoring requirements and allow facilities that already have CO CEMS to use their existing systems.	Allow sources subject to a CO emission limit the option to use CO CEMS.	§63.11224(a)
O2 Monitoring	Support the use of continuous analyzer systems instead of oxygen CEMS. The definition of "oxygen analyzer system" and certain associated system operation definitions need to be modified to retain the operability, efficiency, and safety of these systems.	The oxygen monitoring requirements allow for the use of continuous oxygen trim analyzer systems instead of O2 CEMS. Clarified definitions of oxygen analyzer system and oxygen trim system.	78 FR 7495; §§63.11224(a), 63.11237 – "Oxygen analyzer system", "Oxygen trim system"
Natural Gas Curtailment	EPA Should Revise the Definition of "Natural Gas Curtailment"	Revised the definition to clarify that a curtailment does not include normal market fluctuations in the price of gas that are not associated with periods of supplier delivery restrictions. Supply interruption can include on-site emergencies and equipment failures, and supply interruptions are not limited to off-site circumstances. Includes any gaseous fuel. The supply is to an "affected boiler" rather than "affected facility" and that the supply of gaseous fuel is "restricted or halted" for reasons beyond the control of the facility.	78 FR 7497; §63.11237 – "Period of gas curtailment or supply interruption"

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Averaging times	Support the proposed use of 30-day rolling averages for parameter monitoring and compliance with operating limits. Recommend a 30-day averaging period for Table 3 operating load requirements.	Amended averaging time for parameter monitoring and compliance with operating limits to a 30 day rolling average. 30-day rolling average and daily block average exclude startup, shutdown and non-operating periods.	78 FR 7496, 7500; §§63.11222, 63.11237 – “30-day rolling average”, “Daily block average.” Tables 3 & 7 to Subpart 6J
Startup and Shutdown	The definition of startup and shutdown should be revised to allow facilities to determine the minimum stable operating load on a unit-specific basis. EPA should institute a source specific approach.	Revised definitions of startup and shutdown consistent with general provisions and to reflect that the purpose of industrial boilers is to provide steam. Added requirement to minimize time spent in SS and follow manufacturer’s procedures.	78 FR 7496, 7501; §§63.11201(d), 63.11237– “Shutdown”, “Startup” Table 2 (item 1) of Subpart 6J
Affirmative Defense Language for Malfunction	EPA should include work practice requirement, not affirmative defense, for malfunction periods.	Retained affirmative defense, revised wording, eliminated 2-day notification, include info with next semi-annual compliance report.	78 FR 7496; §63.11226
Tune-Up Frequency for Oil-Fired Boilers (Equal or Less than 5 MMBtu/hr)	Support EPA’s decision to require a tune-up once every 5 years and to remove the requirement for the initial tune-up. EPA should promulgate a de minimis exemption, not merely a work practice standard, for small boilers and process heaters of up to 10 MMBtu/hr or less.	For oil-fired boilers equal to or less than 5 MMBtu/hr, initial tune-up by March 21, 2014, subsequent tune-up once every 5 years. No initial tune-up for new boilers. 5 year tune-up frequency also for boilers with automatic O2 trim systems.	78 FR 7496; §63.11223(e) Table 2 (items 12 & 13) to Subpart 6J

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Energy Assessment	The scope of the energy assessment is illegally broad. EPA should clarify application of the energy assessment output percentages. EPA not require submission to EPA but additional measures are needed to protect CBI.	Definition of energy assessment has been amended to clarify that the scope of the energy assessment does not encompass energy use systems located off-site or energy use systems using electricity purchased from an off-site source. The scope of the assessment is based on discrete segments of a facility and time limited. Source that is operating under an energy management program established through energy management systems compatible with ISO 50001, that includes the affected boilers, by March 21, 2014, satisfies the energy assessment requirement.	78 FR 7493, 7494, 7500; §§63.11201(b); 63.11237 – “Energy assessment” Table 2 (item 16) to Subpart 6J
Process heater exemption	Support EPA’s decision to revise the “Boiler” definition and add a definition for “Process Heaters” to ensure that they are not included in the boiler source category. 76 Fed. Reg. 80540-80541	Waste heat boilers, process heaters, and autoclaves are excluded from the definition of boilers. Definition for process heaters has been added.	§63.11237 – “Boiler”, “Process heater”
Upper Prediction Limit (UPL) for Emission Limits	EPA should use a 99.9 UPL not 99 UPL for determining MACT Floors for CO.	CO emission limits use the 99% confidence level in determining the UPL.	78 FR 7492, 7502
Title V permitting requirements	Support the exemption from Title V Permitting for area sources.	No area sources subject to JJJJJJ are required to obtain a Title V permit as a result of being subject to JJJJJJ.	78 FR 7497

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Additional flexibility is needed for other operating parameters (Table 6)	EPA should provide an allowance for any operating parameters to vary with unit load fraction as applicable to the operating parameter and specific affected source, and recognize that those operating parameters do not necessarily vary in a linear relationship with load, e.g., pressure drop typically varies with the (flow). In Table 6, EPA only allows for operating parameter limit variation due to boiler load fraction to be applied to activated carbon injection rates.	Sorbent injection operating parameter limit can vary with load.	§63.11237 – “ <i>Load fraction</i> ”, “ <i>Minimum sorbent injection rate</i> ”
Title V permit review cycle and emission testing requirements	EPA should modify the finalized emission testing requirements so that they are consistent with the 5 year air permit review cycle.	No additional stack testing for PM and Hg if initial stack test shows emissions less than half of the limit. No additional fuel sampling for Hg if fuel content is less than half the limit. If greater than half, quarterly sampling.	78 FR 7495-7496 §63.11220(b)

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Existing v. new source status (fuel switching)	Suggest to add language to clarify that to become a new source you must modify that source to be capable of accommodating the new fuel, so that new sources are not created simply by failing to submit an initial notification or a notice of fuel switching, for a unit that is already capable of accommodating that fuel. EPA should not require 30 days advanced notice for fuel switching to natural gas.	Existing gas-fired units that become subject to the rule after June 4, 2010 due to a fuel switch are existing units under the rule if they were able to accommodate the alternate fuel. An existing gas-fired unit that becomes subject to the rule after June 4, 2010 due to a fuel switch and reconstruction is a new unit under this rule. 30-day notification of fuel switching retained.	78 FR 7497 §63.11225(g)
Technical Clarification (Table 3)	EPA should clarify that the operating limits set forth in Table 3 do not apply during startup and shutdown.	Limits do not apply during SS.	§63.11201(d)
Technical Clarification (SU/SD Exemption)	A startup and shutdown period exception must be added to the definitions of “30-day average” and “daily block average”.	Definitions of 30-day rolling average and daily block average exclude startup, shutdown, and non-operating periods.	§63.11237 – “30-day rolling average”, “Daily block average.”